

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SOCORRO ZAMUDIO-REYES,

Petitioner,

v.

M. E. SPEARMAN,

Respondent.

Case No. [13-cv-03175-VC](#) (PR)

**ORDER RE: LIMITED REMAND;
GRANTING MOTION TO REOPEN
TIME TO APPEAL**

Re: Dkt. Nos. 23, 32

On December 8, 2014, this Court issued an order granting the respondent's motion to dismiss Zamudio-Reyes' petition for a writ of habeas corpus and entered judgment in favor of the respondent. On December 12 and December 22, 2014, the order and judgment that were mailed to Zamudio-Reyes were returned as undeliverable. On December 30, 2014 and January 7, 2015, Zamudio-Reyes filed notices of a change of address. On January 12, 2015, the court clerk sent Zamudio-Reyes a copy of the docket of his case at his current address. On January 20, 2015, Zamudio-Reyes sent a letter to the clerk requesting copies of the order of dismissal and the judgment, which the clerk mailed to him on January 26, 2015. On February 17, 2015, Zamudio-Reyes filed a notice of appeal.

The Ninth Circuit has construed Zamudio-Reyes' January 20, 2015 letter to the clerk as a timely motion to reopen the time to appeal pursuant to Federal Rule of Appellate Procedure 4(a)(6) and has issued a limited remand so that this Court may rule on this motion.

Federal Rule of Appellate Procedure 4(a)(1)(A) requires the filing of the notice of appeal in a civil case within thirty days after entry of the judgment. However, Federal Rule of Appellate Procedure 4(a)(6) allows an appellant to move to reopen the time to file an appeal if he did not receive timely notice of the entry of the judgment or order from which he appeals.

1 Because Zamudio-Reyes did not receive timely notice of the judgment or order from which
2 he appeals and the other two requirements for granting his motion are not at issue, the motion to
3 reopen the time to file a notice of appeal is granted.

4 The Clerk of the Court shall send a copy of this order to the Ninth Circuit Court of
5 Appeals.

6 **IT IS SO ORDERED.**

7 Dated: August 13, 2015



VINCE CHHABRIA
United States District Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SOCORRO ZAMUDIO-REYES,

Plaintiff,

v.

M. E. SPEARMAN,

Defendant.

Case No. [13-cv-03175-VC](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 13, 2015, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Socorro Zamudio-Reyes ID: AD-2494
Central Valley MCCF A4-73
P.O. Box 638
McFarland, CA 93250

Dated: August 13, 2015

Richard W. Wieking
Clerk, United States District Court



By: _____
Kristen Melen, Deputy Clerk to the
Honorable VINCE CHHABRIA